
POLICE CONDUCT OVERSIGHT COMMISSION

Case Summary Data #4

February 2015

OVERVIEW

Complainant witnessed Officers #1 and #2 arresting two individuals. She alleges that the officers "call[ed] the male out of his name, kick[ed] and pin[ned] him down." Complainant alleges that the "male that was already in the squad car had his nose broken and tooth chipped." Complainant alleges that the male on the ground "scream[ed] get your elbow off my head y'all already broke my wrist and hurt my shoulder can y'all please get off me."

THE COMPLAINT

1. Excessive Force: Officers #1 and #2 kicked and pinned an individual resulting in a possible broken nose and a chipped tooth.

THE OPCR AND MPD POLICIES

1. OPCR Ord. § 172.20(1) Excessive Force.
2. MPD P&P § 5-301.01: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

COMPLAINT PROCESSING

The complainant filed a complaint. The matter underwent intake investigation, and was reviewed by the joint supervisors. The matter was investigated by a civilian investigator, and dismissed for failure to cooperate.

EVIDENCE

1. An online complaint was filed.
2. A VisiNet report was obtained.
3. CAPRS report was obtained.

SUMMARY OF EVIDENCE

Complaint

An online complaint was filed detailing the allegations. The Complainant alleges she heard yelling and screaming. Complainant alleges she looked out her window and saw the incident. The Complainant alleges that Officer #1 and Officer#2 had one black male on the ground. Complainant alleges Officer #1 and Officer#2 pinned a man to the ground, and were kicking him. The Complainant alleges Officer #1 and Officer#2 already had one male in the squad car. The Complainant alleges that the male on the ground screamed that Officer #1 and Officer#2 were hurting him, and the male in the squad car had his nose broken and a chipped tooth.

VisiNet

The VisiNet report indicates Officer #1 and Officer#2 were on a suspicious person call. The report indicates one male was transported to the Juvenile Supervision Center.

CAPRS

The CAPRS report indicates that officers encountered a group of 3 suspicious males on the street. Officers observed either male#1 or male #2 littering, and male #3 on a bicycle without lights. Officers stopped the group on those violations. Officer #1 states that male #1 was resisting his attempt to pat frisk him. Officer #1 stated male#1 started to fight him, so he punched him one time. Officer #1 continued to struggle with male#1, but eventually brought him to the ground. Officer #1 stated male#1 continued to be uncooperative and shout threats at the officers.

Officer #2 restrained male #2. When male#2 observed Officer #1 restraining male#1, he started yelling at officers. Officer #2 gave male#2 verbal commands, but he did not respond. Officer #2 struggled with the male, but was able to get him to the ground with assistance from other officers. The male continued to kick and attempt to get off the ground.

One male was arrested for obstructing a legal process with force and transported to jail. The other male with obstructing a legal process and terroristic threats, and was transported to the Juvenile Supervision Center. Both males admit to gang affiliation. The report indicates a supervisor was contacted about the use of force. The male #3 was identified and released.

INVESTIGATION

The matter went for preliminary investigation by a civilian investigator. The investigator obtained the supervisor use of force report. According to the use of force report, Officer #1 used body weight to pin, and punches to the head and neck of the first make. Officer #2 used joint locks, body force to pin, and kneed the second male in the arms. The report indicates that the two males actively resisted the commands of the officers. The force report indicates that the supervisor attempted to speak with the two males, but the males were hostile. The supervisor indicated he attempted to take pictures. One of the males was hostile and would turn away. The investigator obtained the photographs related to the force report. The photographs depicted the condition of the two males after the incident.

The investigator contacted the complainant numerous times. The complainant failed to respond to the requests to take her statement. Additionally, the investigator contacted the two males involved with the incident. Neither male responded to requests to give a statement. The complaint was dismissed for failure to cooperate.